

Amend Section 41-440 to read:

41-440      UNEMPLOYED PARENT PROGRAM

41-440

The requirements of Section 41-440 apply to all principal earners who establish deprivation based on unemployment whether the individual is included or excluded from the assistance unit.

.1      Definitions (Continued)

.2      Requirements to be Met in Order to Establish Deprivation Due to Unemployment

To establish deprivation due to unemployment, the following requirements shall be met;

.21      (Continued)

.22      The principal earner shall have worked less than 100 hours (Section 41-440.1(a)) during the four-week period prior to the date of eligibility for cash aid based on unemployment deprivation. The four-week period shall be adjusted daily to determine the four-week period in which the applicant principal earner worked less than 100 hours. (See Handbook Section below.)

.221      An individual who applies for CalWORKs after leaving aid due to ~~AB 98 subsidized employment income as described in Sections 42-716.721(a) and 42-716.723(a)~~ or expanded subsidized employment income as described in Section 42-716.81, shall be considered a current recipient for the purpose of establishing unemployment deprivation if he or she applies within three calendar months of the subsidized employment ending.

(a) and (b) (Continued)

.222 through .24 (Continued)

Authority cited: Sections 10553, 10554, 10604, 11209, and 11450(g), Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10604, 11201, 11201.5, 11270, 11322.63(b) and 11322.64(f), Welfare and Institutions Code; and 45 CFR 233.10(a)(1), 233.100(a)(5), and 250.30(b); Family Support Act of 1988, Public Law (PL) 100-485, October 13, 1988; Family Support Administration Action Transmittal 91-15 (FSA AT-91-15), dated April 23, 1991; and Omnibus Budget Reconciliation Act (OBRA) of 1990, Section 5061.

Amend Section 42-711 to read:

42-711 WELFARE-TO-WORK PARTICIPATION REQUIREMENTS

42-711

.1 through .3 (Continued)

.4 Hours of Participation

.41 through .43 (Continued)

.44 Deeming Hours for Participation in Approved Career Pathways under the Workforce Innovation and Opportunity Act

.441 When a recipient participates in an Approved Career Pathway and is making satisfactory progress, the participation is deemed to meet the average weekly hour requirement for CalWORKs minimum standards as described in Section 42-711.4.

HANDBOOK BEGINS HERE

(a) The federal Workforce Innovation and Opportunity Act provides opportunities for employment, education, training, and supportive services for individuals to succeed in the labor market.

HANDBOOK ENDS HERE

(b) An Approved Career Pathway is a welfare-to-work activity or activities that result in industry recognized credentials and/or employment in occupations recognized as high demand by local workforce development boards.

.442 Participation and satisfactory progress in an Approved Career Pathway meets the hourly requirements for CalWORKs minimum standards even if the average weekly hours are fewer than the 20-, 30-, or 35-hour requirement as described in Section 42-711.4.

(a) Months of participation in an Approved Career Pathway count towards the participant's Welfare-to-Work 24-Month Time Clock as described in Section 42-708.2 unless the participation meets the requirements for CalWORKs federal standards as described in Section 42-711.444(a) or the participant meets another condition as described in Section 42-708.3 that makes a month not count toward the Welfare-to-Work 24-Month Time Clock.

- .443 CWDs shall consult with local workforce development boards to determine if a recipient's participation in welfare-to-work activities meets the requirements for an Approved Career Pathway.
- (a) Welfare-to-work activities that may meet the requirements of an Approved Career Pathway include but are not limited to subsidized employment, vocational education training, job skills training directly related to employment, and education directly related to employment.
  - (b) Satisfactory progress in an Approved Career Pathway is determined by the CWD.
- .444 Participation in an Approved Career Pathway cannot be deemed to meet the hourly requirements for CalWORKs federal standards as described in Section 42-709.
- (a) Participation in an Approved Career Pathway can meet the requirements of CalWORKs federal standards if the activity or activities fulfill the hourly requirements described in Section 42-709.2 and the core and non-core requirements as described in Section 42-709.3.

.5 through .8 (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code; and SB 1569 (Chapter 672, Statutes of 2006).

Reference: Sections 11203, 11253.5(b), 11320.1, 11320.1(a), 11320.1(b), 11320.1(c), 11320.15, 11320.3, 11322.6, 11322.8, 11322.83, 11322.85, 11322.85(a)(2) and (3), 11322.86, 11324.8(a), (b) and (c), 11325.2, 11325.2(a), (b) and (c), 11325.21, 11325.22, 11325.23, 11325.23(a), (b), (c), (e), and (f), 11325.24, 11325.25, 11325.4, 11325.5, 11325.6, 11325.7, 11325.8, 11326, 11327.4, 11327.5, 11327.6, 11454, 13283, 15204.2 and .8, 16501.1(d) and (f), and 18945(a), Welfare and Institutions Code; Section 14005(c), Unemployment Insurance Code; 29 U.S.C. 3101(1) and 3102(7); and 42 U.S.C. 607(c)(1)(A), (c)(1)(B)(ii), (c)(2)(A)(i) , and (d).

Amend Section 42-716 to read:

42-716 WELFARE-TO-WORK ACTIVITIES

42-716

.1 through .6 (Continued)

~~.7 Assembly Bill (AB) 98 Subsidized Employment (Reserved)~~

~~.71 AB 98 subsidized employment shall be used to place participants in subsidized employment that is performed in the private sector or subsidized employment that is performed in the public sector as indicated in Sections 42-716.1(b) and 42-716.1(c).~~

~~.711 To ensure cost neutrality to the state budget, AB 98 subsidized employment shall not be used to place participants in the following types of subsidized employment due to funding requirements:~~

- ~~(a) Grant-based on the job training as indicated in Section 42-716.1(f) and pursuant to Section 42-716.5.~~
- ~~(b) Supported work or transitional employment as defined in Section 42-701.2(s)(4), and pursuant to Section 42-716.5.~~
- ~~(c) Work study as indicated in Section 42-716.1(h).~~

~~.72 Eligibility for entry into AB 98 subsidized employment under this section shall be limited to individuals who are not otherwise employed at the time of entry into the subsidized employment, and who meet one of the following criteria:~~

~~.721 Aided CalWORKs recipients participating in the welfare-to-work Program.~~

- ~~(a) These individuals may continue to participate in a county's AB 98 subsidized employment program if the family becomes ineligible for CalWORKs aid due to AB 98 subsidized employment income.~~

~~.722 Individuals in welfare-to-work sanction status as described in Section 42-721 who will cure their sanctions through AB 98 subsidized employment participation.~~

- ~~(a) AB 98 participants who cure their sanctions through AB 98 subsidized employment must maintain compliance with welfare-to-work requirements to continue in an AB 98 subsidized employment position.~~

~~.723 Individuals who have exceeded CalWORKs time limits and are receiving Safety Net benefits for their eligible children as defined in Section 42-302.1.~~

~~(a) These individuals may continue to participate in a county's AB 98 subsidized employment program if the family becomes ineligible for CalWORKs Safety Net benefits due to AB 98 subsidized employment income.~~

~~.73 AB 98 wage subsidies are limited to a maximum of six months for each participant.~~

~~.731 Upon entry into AB 98 subsidized employment, a Welfare-to-Work client shall participate in an AB 98 subsidized employment placement for no longer than six months.~~

~~(a) In order to mutually benefit the employer and the participant, AB 98 subsidized employment placements can be extended up to six additional months for up to a total of 12 months.~~

~~.74 If provided for in a county plan, the county may provide welfare-to-work services to former recipients whose families become ineligible for CalWORKs due to AB 98 subsidized employment income.~~

~~.741 The county may provide these services for up to the first 12 months of employment, to the extent they are not available from other sources and are needed for the individual to retain the subsidized employment.~~

## .8 Expanded Subsidized Employment

.81 Eligibility for entry into expanded subsidized employment under this section shall be limited to individuals who meet one of the following criteria:

.811 and .812 (Continued)

.813 Individuals who have exceeded CalWORKs time limits and are receiving Safety Net benefits for their eligible children as defined in Section 42-302.1.

(a) These individuals may continue to participate in a county's expanded subsidized employment program if the family becomes ineligible for CalWORKs aid due to expanded subsidized employment income.

.82 and .83 (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11253.5(b), 11265.1, 11265.2, 11320.3(b)(2), 11322.6, 11322.61, ~~11322.63~~, 11322.64, 11322.7, 11322.8, 11322.9, 11323.25, 11324.4, 11324.6(a), 11325.21(a) and (d)(1), 11325.22(b)(1), 11325.7(a), (c), and (d), 11325.8(a), (c), (d), and (f), 11326, 11327.5, 11450.5, 11451.5, 11454, and 11454.2, Welfare and Institutions Code; and Section 8358(c)(2), Education Code; 7 U.S.C. 2029(a)(1); 7 U.S.C. 2035; U.S. Department of Labor guidance on FLSA, with attached U.S.D.A., Food and Nutrition Service (FNS) guidance on an SFSP, dated May 22, 1997; Simplified Food Stamp Program approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000 and August 3, 2000.

Amend Section 42-717 to read:

42-717 JOB RETENTION AND POST-AID SERVICES

42-717

.1 through .5 (Continued)

- .6 There is no community service requirement for services provided under Section 42-717.~~.1 through 42-717.5~~, unless the CWD adopts a policy requiring community service.
- .7 ~~If the county provides services to the recipient after the 48-month limit has been reached, the recipient shall participate in community service or subsidized employment as described in Section 42-716.7.~~  
If provided in the county plan, the CWD may provide post-aid services to individuals when they exceed the 48-month time limit and are receiving Safety Net benefits for their eligible children, as described in Section 42-302.1.
- .71 Individuals receiving post-aid services who are not participating in unsubsidized employment shall participate in community service as described in Section 42-716.1(j) or expanded subsidized employment as described in Section 42-716.8.
- .72 Post-aid services may include but are not limited to case management, mental health and/or substance abuse services, domestic abuse services, parenting classes, vocational training, and supportive services (transportation, ancillary).

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320.15, 11322.64, 11323.2(b), 11323.25, 11454, 11454.2, and 11500, Welfare and Institutions Code.

Amend Section 44-207 to read:

44-207 INCOME ELIGIBILITY

44-207

.1 The following financial eligibility test shall be applied to applicant cases.

.11 An applicant family shall not be eligible for cash aid unless the family's income, exclusive of the first ninety dollars (\$90) of earned income for each employed person, is less than the Minimum Basic Standard of Adequate Care (MBSAC) for the family.

.111 An individual who applies for CalWORKs after leaving aid due to ~~AB 98 subsidized employment income as described in Sections 42-716.721(a) and 42-716.723(a) or expanded subsidized employment income as described in Section 42-716.81~~ shall be considered a current recipient for the purpose of determining CalWORKs financial eligibility.

(a) and (b) (Continued)

.112 through .25 (Continued)

Authority cited: Sections 10553, 10554, 11450, 11450.025, and 11453, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11017, 11157, 11255, 11265.1, 11265.2, 11265.3, 11280, ~~44322.63(b)~~, 11322.64(f), 11450.025, 11450.5, 11450.12, 11450.13, and 11451.5, Welfare and Institutions Code; 45 CFR 206.10(a)(1)(vii); 45 CFR 233.20(a)(2)(i) and (xiii); (a)(3)(ii)(F), (a)(3)(vi)(B), (a)(3)(xiv), and (a)(3)(xiv)(B); and Darces v. Woods (1984) 35 Cal. 3d 871; Petrin v. Carlson Court Order, Case No. 638381, May 12, 1993; Rutan v. McMahon, Case No. 612542-L (Alameda Superior Court) February 19, 1988; Letter from Department of Health and Human Services (DHSS), December 5, 1990; Johnson v. Carlson Stipulated Judgment; Ortega v. Anderson, Case No. 746632-0 (Alameda Superior Court) July 11, 1995; Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994; United States Department of Health and Human Services, Office of Family Assistance, Aid to Families with Dependent Children Action Transmittal No. ACF-AT-95-10 dated September 19, 1995; and Letters from the Department of Health and Human Services, Administration for Children and Families, dated February 29, 1996, March 11, 1996, and March 12, 1996.